

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 7, 2004

IN RE:)	
)	
PETITION OF TENNESSEE DEPARTMENT OF)	DOCKET NO.
TRANSPORTATION FOR ALLOCATION OF AN)	04-00159
N11 NUMBER (ABBREVIATED DIALING CODE))	

**ORDER APPROVING PETITION FOR ALLOCATION OF
N11 NUMBER (511) TO TENNESSEE DEPARTMENT OF TRANSPORTATION**

This matter came before Chairman Pat Miller, Director Deborah Taylor Tate and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at the regularly scheduled Authority Conference held on July 26, 2004, to consider the *Petition for Allocation of an N11 Number* ("*Petition*") filed by the Tennessee Department of Transportation (the "Applicant" or "TDOT").

Background

On May 24, 2004, TDOT filed its *Petition* for allocation of a 511 abbreviated dialing code for use in providing travel and road condition information throughout the State of Tennessee. On May 28, 2004, the TRA sent a request to all 18 Incumbent Local Exchange Companies (ILECs) and the Telephone Cooperatives serving Tennessee, seeking the status of usage of the 511 number in their service territories. The Authority likewise contacted wireless carriers that have Interconnection Agreements on file with the Authority. All of the carriers contacted throughout the state responded that the 511 number is not in use in their

service territories.¹

FCC's Third Report and Order

On July 31, 2000, the Federal Communications Commission ("FCC") released its *Third Report and Order and Order on Reconsideration* in CC Docket No. 92-105 ("*Third Report and Order*") in which the FCC granted a petition filed by the U.S. Department of Transportation to establish a national three digit code seeking nationwide assignment of an abbreviated dialing code.² In assigning the abbreviated dialing code 511, the FCC found that the proposal submitted by the petitioners met the "public interest" standards for assignment of N11 codes which the FCC established in its *N11 First Report and Order*.³ The FCC found that assignment of 511 will assist state and local governments in their efforts to improve local transportation conditions.⁴

In the assignment of the 511 abbreviated dialing code, the FCC's *Third Report and Order* also called for the following:

- 511 is to be assigned to government entities for both wireline and wireless telephone services.

¹ Notwithstanding the assignment of the 511 code to National Telephone Enterprises, Inc. in Docket No 99-00743 by Order dated July 14, 2000, the FCC issued *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No 92-105 (*Third Report and Order and Order on Reconsideration*) 15 F.C.R. 16753 (July 31, 2000) (hereinafter *Third Report and Order*). In the Ordering clauses, the *Third Report and Order* set aside 511 as a national abbreviated dialing code to be used exclusively for access to travel information services as of the effective date of that Order. Additionally, BellSouth Telecommunications, Inc.'s General Subscriber Services Tariff Section A139.1.2(B) states that if an N11 subscriber has failed to establish service or decides to discontinue service establishment, the N11 number will be recalled and the number will be considered available for reassignment. The Authority was advised by BellSouth that the 511 dialing code was not in use in Knoxville, Tennessee on June 16, 2004.

² "Abbreviated dialing codes enable the caller to connect to a location in the network that otherwise would be accessible only via a seven or ten-digit telephone number. The network must be pre-programmed to translate the three-digit code into the appropriate seven or ten-digit telephone number and route the call accordingly. Among abbreviated dialing arrangements, 'N11' codes are three-digit codes of which the first digit can be any digit other than 1 or 0, and the last two digits are both 1." *Third Report and Order* at ¶ 3.

³ See *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No 92-105 (*First Report and Order and Further Notice of Proposed Rulemaking*) 12 FCC Rcd 5572 (February 19, 1997) (hereinafter *N11 First Report and Order*).

⁴ *Third Report and Order* at ¶ 10.

- Technical details of implementation and cost recovery are left with Federal, State, and local transportation agencies to determine.
- Federal, State, and Local transportation agencies are to determine the type of information to be provided.
- Federal, State, and Local transportation agencies are encouraged to ensure that 511 transcends municipal boundaries and is appropriate to the national designation of the number.
- Transportation agencies are encouraged to determine uniform standards for providing information to the public.
- U.S. Department of Transportation is encouraged to facilitate ubiquitous deployment of 511 in 2005 to determine if the number is in widespread use.⁵

TPSC's 1993 Interim Order

Prior to the issuance of the FCC's *Third Report and Order*, the Authority reviewed requests for the allocation of N11 numbers pursuant to criteria set forth in the Interim Order issued on October 20, 1993, by the Tennessee Public Service Commission ("TPSC") in TPSC Docket No. 92-13892 ("TPSC Order"), to determine the most qualified applicant for allocation of each N11 number in each local calling area.⁶ The criteria in the TPSC Order included: (1) the overall financial fitness of the applicant; (2) the technical ability and willingness of the applicant to provide the service on a permanent and continuous basis; (3) the ability and willingness of the applicant to abide by applicable TPSC rules and policies; (4) the rates, services and collection practices to be utilized by the applicant; (5) the extent and

⁵ *Id.* at ¶ 15.

⁶ See TRA Docket No. 98-00554, *Order Granting Allocation of N11 Abbreviated Dialing Code* (June 22, 1999) and TRA Docket No. 99-00743, *Order Approving Reallocation of N11 Number (211) to Knoxville Information and Referral, Inc. and Allocating N11 Number (511) to National Telephone Enterprises* (July 14, 2000).

duration of the applicant's service to the local community; (6) anticipated future uses by the community of the proposed service being offered by the applicant; and (7) the type of information services to be provided by the applicant over N11 and its relative value to the public and local community.⁷

Findings and Conclusions

Accordingly, the Authority, finds that the Applicant satisfies the criteria in the following manner:

1. **Overall financial fitness, both historical and future:** The Applicant provided financial information showing that it has an annual budget of \$1.5 billion from public funds. The funding for TDOT comes from user fees such as vehicle registration fees, gasoline and diesel fuel taxes and airline ticket taxes collected by federal, state, and local governments.⁸

2. **Overall technical ability and willingness to provide service on a permanent and continuous basis:** The Applicant intends to use the 511 abbreviated dialing code to operate and maintain a 24-hour, 7-day per week, 365-days per year automated travel information phone service statewide and will provide the service on a permanent and continuous basis.⁹ TDOT currently uses the ten digit number 800-858-6349 to provide this service.¹⁰

3. **Ability and willingness to comply with any applicable Authority rules and policies:** The Applicant has provided a statement that it will follow the Authority's rules and policies.¹¹

⁷ *In Re Investigation of N11 Allocations*, TPSC Interim Order, Docket No. 92-13892, p 4-5 (Oct 20, 1993)

⁸ *Petition for Allocation of an N11 Number*, p 2 (May 24, 2004)

⁹ *Id* at 3.

¹⁰ *Id*

¹¹ *Id*

4. **The rates, services and collection practices to be utilized by the service provider in providing N11 service:** As a State agency, the Applicant is a not-for-profit entity and desires to provide travel information through an abbreviated dialing code as a public service for residents and travelers in Tennessee.¹² TDOT states that calls made using 511 for travel information should be no more than the cost of a local call for callers other than any applicable mobile phone using air time minutes or roaming charges.¹³ TDOT does not intend to charge for the 511 connection. The Applicant proposes to pay the charges incurred in connection with the assignment and utilization of the 511 access code, other than mobile phone connection and time charges and the costs of the operation of the 511 service going forward.¹⁴

5. **The extent and duration of the applicant's service to the local community:** Since 1923, the Applicant has been responsible for the transportation infrastructure in Tennessee.¹⁵ TDOT has maintained the automated travel information phone service in Tennessee since 1983 utilizing a 10 digit number.¹⁶

6. **Anticipated future uses by the community of the proposed service being offered by the Applicant:** TDOT's mission is to plan, implement, maintain and manage integrated transportation system for the movement of people and products with emphasis on quality, safety, efficiency, and the environment. The Applicant anticipates that the proposed 511 travel information service will be used by travelers on the State's highways or the public transportation system.¹⁷ The initial 511 travel service information service will use data

¹² *Id*

¹³ *Id*

¹⁴ *Id*

¹⁵ *Id*

¹⁶ *Id* at 3-4

¹⁷ *Id* at 4

collected by TDOT which to date consist mainly of construction and weather related closures on State highways.¹⁸ TDOT has recently created an Intelligent Transportation System (“ITS”), known as TDOT Smartway, which provides real time information about urban freeway conditions, including congestion, incidents, and closures, through the use of roadway traffic sensors, closed circuit television cameras and dynamic message signs.¹⁹ Partnering with other public agencies could provide additional data such as public transportation, tourism, and information on other modes of transportation.²⁰ It is envisioned that the 511 service will be enhanced as resources, funding, and partnering opportunities are made available.²¹ TDOT anticipates over 300,000 calls will be received through 511 in its first twelve months of operation.²²

7. The type of information services to be provided over N11 and its relative value to the public and local community: The 511 phone service will provide the traveling public with travel information about road conditions, closures, construction activities, hazardous weather and other information that could impact travel.²³ TDOT expects that enhancements will allow a caller to access information about incidents, tourism, and public transportation.²⁴ The assignment of 511 for travel information services can be expected to maximize the benefits of such information, which includes decreasing traffic congestion, reducing air pollution, and the inefficient use of fossil fuels, improving the nation’s productivity on and off the roadways, along with improving traveler safety.²⁵

¹⁸ *Id*

¹⁹ *Id*

²⁰ *Id*

²¹ *Id*

²² *Id*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

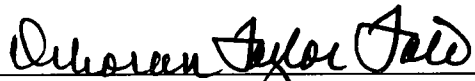
Based upon careful consideration of the *Petition* and the exhibits thereto, and in following the mandate set forth in the FCC's *Third Report and Order* and the criteria set forth in the TPSC's 1993 Interim Order, the panel voted unanimously to approve allocation of the 511 abbreviated dialing code to the Tennessee Department of Transportation.

IT IS THEREFORE ORDERED THAT:

The *Petition* filed by the Tennessee Department of Transportation seeking allocation of the 511 abbreviated dialing code to provide travel and road condition information throughout the State of Tennessee is approved.

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Pat Miller, Chairman

A handwritten signature in black ink, appearing to read 'Deborah Taylor Tate', written over a horizontal line.

Deborah Taylor Tate, Director

A handwritten signature in black ink, appearing to read 'Ron Jones', written over a horizontal line.

Ron Jones, Director